

1 **Marshall Meyers (020584)**
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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 Marilyn Mausser,) Case No.
12)
13 Plaintiff,) **COMPLAINT AND TRIAL BY JURY**
14) **DEMAND**
15 vs.)
16)
17 Enhanced Recovery Company, LLC,)
18)
19 Defendant.)

20 **NATURE OF ACTION**

21 1. This is an action brought under the Fair Debt Collection Practices Act
22 (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

23 **JURISDICTION AND VENUE**

24 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. §
25 1331.

26 3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where
27 the acts and transactions giving rise to Plaintiff’s action occurred in this district, (where
28 Plaintiff resides in this district), and/or where Defendant transacts business in this district.

PARTIES

4. Plaintiff, Marilyn Mausser (“Plaintiff”), is a natural person who at all relevant times resided in the State of Arizona, County of Pinal, and City of Maricopa.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. Defendant, Enhanced Recovery Company, LLC (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.

10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

- 1 e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be
2 allowed under the law;
3
4 f) Awarding such other and further relief as the Court may deem just and
5 proper.

6 **TRIAL BY JURY**

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8 Plaintiff is entitled to and hereby demands a trial by jury.

9 Respectfully submitted this 6th day of April, 2011

10 By: s/ Marshall Meyers
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